



General Assembly

January Session, 2015

Raised Bill No. 6921

LCO No. 4373



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING INVASIONS OF PRIVACY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-189a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) A person is guilty of voyeurism when, (1) with malice, such
4 person knowingly photographs, films, videotapes or otherwise records
5 the image of another person (A) without the knowledge and consent of
6 such other person, (B) while such other person is not in plain view, and
7 (C) under circumstances where such other person has a reasonable
8 expectation of privacy, [or] (2) with intent to arouse or satisfy the
9 sexual desire of such person or any other person, such person
10 knowingly photographs, films, videotapes or otherwise records the
11 image of another person (A) without the knowledge and consent of
12 such other person, (B) while such other person is not in plain view, and
13 (C) under circumstances where such other person has a reasonable
14 expectation of privacy, (3) with the intent to arouse or satisfy the
15 sexual desire of such person, commits simple trespass, as provided in
16 section 53a-110a, and observes, in other than a casual or cursory

17 manner, another person (A) without the knowledge or consent of such
18 other person, (B) while such other person is inside a dwelling, as
19 defined in section 53a-100, and not in plain view, and (C) under
20 circumstances where such other person has a reasonable expectation of
21 privacy, or (4) with intent to arouse or satisfy the sexual desire of such
22 person or any other person, such person knowingly photographs,
23 films, videotapes or otherwise records the genitals, pubic area or
24 buttocks of another person or the undergarments or stockings that
25 clothe the genitals, pubic area or buttocks of another person (A)
26 without the knowledge and consent of such other person, and (B)
27 while such genitals, pubic area, buttocks, undergarments or stockings
28 are not in plain view.

29 (b) Voyeurism is (1) a class D felony for a first offense, except as
30 provided in subdivision (3) of this subsection, (2) a class C felony for
31 any subsequent offense, and (3) a class C felony for a first offense when
32 (A) such person has been previously convicted of an offense
33 enumerated in subsection (f) of section 53a-29, as amended by this act,
34 or (B) the intended subject of the offense is a person under sixteen
35 years of age.

36 (c) Notwithstanding the provisions of section 54-193, no person may
37 be prosecuted for an offense under subdivision (1), (2) or (4) of
38 subsection (a) of this section except within five years from the date of
39 the offense, or within five years from the date the subject of the offense
40 discovers the existence of the photograph, film, videotape or other
41 recording that constitutes a violation of subdivision (1), (2) or (4) of
42 subsection (a) of this section, whichever is later.

43 Sec. 2. Subsection (f) of section 53a-29 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective*
45 *October 1, 2015*):

46 (f) The period of probation, unless terminated sooner as provided in
47 section 53a-32, shall be not less than ten years or more than thirty-five

48 years for conviction of a violation of subdivision (2) of subsection (a) of
49 section 53-21, [or] section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-
50 72b, 53a-90a [,] or subdivision (2), (3) or (4) of subsection (a) of section
51 53a-189a, as amended by this act, or section 53a-196b, 53a-196c, 53a-
52 196d, 53a-196e or 53a-196f.

53 Sec. 3. Subdivision (5) of section 54-250 of the general statutes is
54 repealed and the following is substituted in lieu thereof (*Effective*
55 *October 1, 2015*):

56 (5) "Nonviolent sexual offense" means (A) a violation of section 53a-
57 73a or subdivision (2), (3) or (4) of subsection (a) of section 53a-189a, as
58 amended by this act, or (B) a violation of any of the offenses specified
59 in subparagraph (A) of this subdivision for which a person is
60 criminally liable under section 53a-8, 53a-48 or 53a-49.

61 Sec. 4. Subsection (c) of section 54-251 of the general statutes is
62 repealed and the following is substituted in lieu thereof (*Effective*
63 *October 1, 2015*):

64 (c) Notwithstanding the provisions of subsection (a) of this section,
65 the court may exempt any person who has been convicted or found
66 not guilty by reason of mental disease or defect of a violation of
67 subdivision (2) of subsection (a) of section 53a-73a or subdivision (2),
68 (3) or (4) of subsection (a) of section 53a-189a, as amended by this act,
69 from the registration requirements of this section if the court finds that
70 registration is not required for public safety.

71 Sec. 5. Subdivision (3) of subsection (b) of section 1-210 of the
72 general statutes is repealed and the following is substituted in lieu
73 thereof (*Effective October 1, 2015*):

74 (3) Records of law enforcement agencies not otherwise available to
75 the public which records were compiled in connection with the
76 detection or investigation of crime, if the disclosure of said records
77 would not be in the public interest because it would result in the

78 disclosure of (A) the identity of informants not otherwise known or the
79 identity of witnesses not otherwise known whose safety would be
80 endangered or who would be subject to threat or intimidation if their
81 identity was made known, (B) the identity of minor witnesses, (C)
82 signed statements of witnesses, (D) information to be used in a
83 prospective law enforcement action if prejudicial to such action, (E)
84 investigatory techniques not otherwise known to the general public,
85 (F) arrest records of a juvenile, which shall also include any
86 investigatory files, concerning the arrest of such juvenile, compiled for
87 law enforcement purposes, (G) the name and address of the victim of a
88 sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b
89 or 53a-73a, voyeurism under section 53a-189a, as amended by this act,
90 or injury or risk of injury, or impairing of morals under section 53-21,
91 or of an attempt thereof, or (H) uncorroborated allegations subject to
92 destruction pursuant to section 1-216;

93 Sec. 6. Section 54-86d of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2015*):

95 Any person who has been the victim of a sexual assault under
96 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism
97 under section 53a-189a, as amended by this act, or injury or risk of
98 injury, or impairing of morals under section 53-21, or of an attempt
99 thereof, shall not be required to divulge his or her address or telephone
100 number during any trial or pretrial evidentiary hearing arising from
101 the sexual assault, voyeurism or injury or risk of injury to, or impairing
102 of morals of, [children] a child; provided the judge presiding over such
103 legal proceeding [shall find] finds: (1) Such information is not material
104 to the proceeding, (2) the identity of the victim has been satisfactorily
105 established, and (3) the current address of the victim will be made
106 available to the defense in the same manner and time as such
107 information is made available to the defense for other criminal
108 offenses.

109 Sec. 7. Section 54-86e of the general statutes is repealed and the

110 following is substituted in lieu thereof (*Effective October 1, 2015*):

111 The name and address of the victim of a sexual assault under
112 section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism
113 under section 53a-189a, as amended by this act, or injury or risk of
114 injury, or impairing of morals under section 53-21, or of an attempt
115 thereof, and such other identifying information pertaining to such
116 victim as determined by the court, shall be confidential and shall be
117 disclosed only upon order of the Superior Court, except that (1) such
118 information shall be available to the accused in the same manner and
119 time as such information is available to persons accused of other
120 criminal offenses, and (2) if a protective order is issued in a
121 prosecution under any of said sections, the name and address of the
122 victim, in addition to the information contained in and concerning the
123 issuance of such order, shall be entered in the registry of protective
124 orders pursuant to section 51-5c.

125 Sec. 8. (NEW) (*Effective October 1, 2015*) (a) A person is guilty of
126 unlawful dissemination of an intimate image when, with the intent to
127 harass, annoy, alarm or terrorize another person, such person
128 electronically disseminates, without the consent of such other person, a
129 photograph, film, videotape or other recorded image of (1) the genitals,
130 pubic area or buttocks of such other person, or the breast of such other
131 person who is female with less than a fully opaque covering of any
132 portion of such breast below the top of the nipple, or (2) such other
133 person engaged in sexual intercourse, as defined in section 53a-193 of
134 the general statutes.

135 (b) The provisions of subsection (a) of this section shall not apply to:

136 (1) Images involving voluntary exposure by such other person in a
137 public or commercial setting; or

138 (2) Images where such other person is not clearly identifiable.

139 (c) Unlawful dissemination of an intimate image is a class A

140 misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	53a-189a
Sec. 2	<i>October 1, 2015</i>	53a-29(f)
Sec. 3	<i>October 1, 2015</i>	54-250(5)
Sec. 4	<i>October 1, 2015</i>	54-251(c)
Sec. 5	<i>October 1, 2015</i>	1-210(b)(3)
Sec. 6	<i>October 1, 2015</i>	54-86d
Sec. 7	<i>October 1, 2015</i>	54-86e
Sec. 8	<i>October 1, 2015</i>	New section

Statement of Purpose:

To (1) provide a criminal penalty for the practice of "upskirting", (2) strengthen penalties for "Peeping Tom" violations, (3) provide for the prosecution of incidents of voyeurism that go undetected for a prolonged period of time, (4) protect victims of voyeurism from public embarrassment, and (5) establish a criminal offense of unlawful dissemination of an intimate image with respect to persons who knowingly disseminate an intimate image of another person with the intent to harass, annoy, alarm or terrorize such other person.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]